

16-1215 LAMAR, ARCHER & COFRIN, LLP V. APPLING

DECISION BELOW: 848 F.3d 953

LOWER COURT CASE NUMBER: 16-11911

QUESTION PRESENTED:

The Bankruptcy Code prohibits the discharge of "any debt ... for money, property, [or] services ... to the extent obtained by ... false pretenses, a false representation, or actual fraud, other than a statement respecting the debtor's ... financial condition." 11 U.S.C. § 523(a)(2). Three Circuits have held that a statement concerning a specific asset of the debtor cannot be a "statement respecting the debtor's ... financial condition." Two Circuits, including the Eleventh Circuit below, have held that it can be. Based on that interpretation, the Eleventh Circuit here reversed the bankruptcy court's conclusion that the debt at issue "is nondischargeable," App. 14a, even though it is based on a fraudulent statement.

The question presented is whether (and, if so, when) a statement concerning a specific asset can be a "statement respecting the debtor's ... financial condition" within Section 523(a)(2).

CERT. GRANTED 1/12/2018